1932-85-G.137 of 02-03

G. R. S. 58]

Previous references.
4 269-10 (1-5)
" 67-11 (1-2)
" 29-07-13
KR 58-22-1
" 52-22-22
Later references.

1924.
(Courts)

File No. 216-24
Serial Nos. 1

Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. one

Part B for January 1925

SUBJECT

Applicability of the recent rules relating to the conduct of legal affairs of Govt in regard to (1) Recovery of institution fees in pauper suits, (2) reference to District Court under the Land Acquisition Regulation and (3) Suits for recovery of arrears due to Inam village under Govt management.

G.O. No. P. 1691-1700 of 30-9-24

To the Rev Comr
by order of Govt
Comptroller

Passes orders on the subject

Manazinamy Pillai
27/11/25

B170

Previous references.

1904

(2 R)

Later references.

File No. 3—14

Serial Nos. 184+ 185

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 184/183

Part B. for June 1915

SUBJECT.

Repairs to Peddakanyamadaru in the Pavagada taluk.

---

184. PCM d. 1.4.15 from Gulyanappa & two others, Achamanahalli, Pavagada Taluk. Pray for execution of repairs to the above Tank.

185 To the Rev Comr in Mysore. no: R 1120 d. 1.6.15

G. R. S. 58 Forwards the pets for disposal & report if necessary.

28.7.15

G. R. S. 11) 1924

GENERAL AND REVENUE SECRETARIAT.

(~~Land~~)

NOTES.

File No. 216-24

FILE HEADING.

Rules relating to conduct of Suits by or against Govt

From

The Dy Comr Hazara Dc.

No. C. S Dated 12. 2. 24 Received

Diary No. 6458/6 Enclos. Spare Copies. Serial No.

BRIEF ABSTRACT OF LETTER.

Submits for information copy of letter addressed by him to the Revr. Comr. in the matter of further procedure regarding recovery of fees awarded in favour of Pampeni Bibi, defence of Land acquisition ~~Suits~~ awards. Upon which Order of recovery of arrears due to Mullah under Govt management.

NOTES AND ORDERS.

Notes and orders

Submitted for formal disposal

from the R. C. which is awaited

21-6-24

Work slip.

NOTES—First Sheet.

8/4

27/4

G. R. S. III-2]

General and Revenue Secretariat.

No File No. 716 of 1924.

Serial No.

From the Dr. Hassan No. Jt. 5867 23. dated 17.5.24 States that he has instructed the Bandla of Hatemanagiya to engage the services of a Vidane for the recovery of Rs 18 due as a decree in a Rampa Suit & invites reference to his letter dated 10.4.24.

From the Res: Govt. No. C. 3425/23. in dated 20.5.24 Requests instructions as to whether the procedure prescribed for the recovery of misbehaviour fees in Rampa Suits in previous cases should be treated as having been superseded by the latter R.o of 19.3.24.

In the above matters definite instructions have been solicited about the procedure in regard to the following cases:-

(i) Recoveries of misbehaviour fees awarded in Suits in Forma Pauperis

(ii) References by the Dr: Govt

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat. | A. File No. 216 of 1924

Serial No.

under the Land Acquisition Rules (iii) Suits for recovery of arrears due to Govt. with regard under Land Management &c.

(i) Execution of Decrees for Instalments in Suits by Campbell:-

The procedure in regard to the execution of decrees is contained in Rules 121-129 of the recent rules. The way the instructions issued with G.O. No. R. 1130 6-24/180-11-W-4 dated 11-6-24 were being followed in regard to the recovery of instalments in suits filed in forma pauperis under these, a copy of the decree received by the Deputy Com. should be sent to the Amlah with instructions to ascertain in the first instance the capacity of the party to pay the amount. If the party is able to pay at last part to pay the amount, the further proceedings should at once be moved to apply the petition

L

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

No File No. 216 of 1926

Serial No.	
	to the Court to recover the amount by attachment & sale of the debtor's property, and the Deputy Comr. should engage the services of a pleader to represent or assist the Land Pleader to institute proceedings in the Court concerned for the recovery of the amount. These rules seem to be quite good and may perhaps be continued. Only care should be taken to see that proceedings for the recovery of the amount when the Revenue officer are completed and an application for execution of decree filed in the Court before the expiry of the statutory period of three years.
	(ii) References under the L. A. Regulation to the Dt. Court. The procedure to be followed in these cases has been laid down in Rule 17 of the Rules under the L. A. Regulation. This is to the effect

NOTE—Contn. sheet.

General and Revenue Secretariat. | do File No. 216 of 19 24

Serial No.

Rule 17 of rules issued with G.O. No R.622-Syl/L R 58-22-1 dated 25-7-22

that the Deputy Commissioner should arrange for the defence of the accused and if even a suit against Govt. except that the sanction of Govt to the defence may be obtained. The Dy. Commr. would however make a Forest or Public Prosecutor reference to the Govt stating briefly the lines on which it is proposed to defend the accused & the evidence intended to be adduced, & seeking his advice before the defence is actually entered upon. This procedure may perhaps stand instead of each case being submitted to Govt for sanction under the present rules. The quarterly returns would show the progress of these cases from time to time.

(iii) Suits for recovery of arrears due to Dzan villages under Govt management. In these cases the Govt are merely a trustee for the Dzanbas, and the rules

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. 7-12 of 19 24

Serial No.

Received from Govt. on reference from Govt.

recently issued by Govt. may not have also apply in such cases

TAV 23.5.24 — Please bring up the case when it is to enclose such cases, where rules had issued under regulations or affecting certain peculiar cases to which the general rules do not apply

Govt says—

NOTE—Contn. sheet.

6688

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 30th J u n e 1924.

No. PJ II - 23.

From

A. V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Hassan District.

1 - JUL 1924

To

B. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of His Highness the Maharaja of Mysore, Local and Legislative Departments, B a n g a l o r e.

S i r,

I have the honor to state that I have instructed the Amildar of Holenarsipur Taluk to engage a local Pleader by name Mr. A. Krishnaswamy to take execution proceedings for the recovery of Rs105/- being the institution fees due to Government in O.S. No. 974 of 1921-22 on the file of the Munsiff of Holenarsipur, as the Amildar has reported that unless execution application is filed, the amount due cannot be recovered.

Kind reference is invited to my letter No. C. 4 dated 10th April 1924 requesting instructions in the matter of future procedure to be taken as regards the institution of suits for the recovery of fees awarded in 'forma pauperis' suits etc.

I have the honor to be,

S i r,

Your most obedient servant,

Deputy Commissioner,
Hassan District.

Submitted for perusal
[illegible]

G. R. S. III-2]

General and Revenue Secretariat. | A. File No. 216 of 19 24

Serial No.	
	In his letter and in the Endorsement letter from the H.C. Loan sum noted against in the Linked File & Warrant thereon with the Secretary.
	1924.
	4-7-24

NOTE—Contn. sheet.

(CS)

Serial No.

The question in these papers is ~~as to~~ whether the recent rules relating to the conduct of legal affairs of Government are applicable, and if so how far, to the following cases.-

(1) Recovery of institution fees in Pauper suits

(2) References to the District Court under the Land Acquisition Regulation; and

(3) Suits for recovery of arrears due to Inam village under Government management

The existing procedure in the matter of the recovery of institution fees in suits filed in forma pauperis was laid down in G.O. No. R 11306-26/St. 11-20-4 dated the 11th April 1921. These instructions seem to be alright and ~~may~~ very well continue.

Rule 17 of the rules issued with G.O. No. R 632-92/L.R. 56-22-1 dated the 25th July 1922 prescribes the procedure to be adopted when the award of ~~Acquiring~~ Land Acquisition Officer is referred to a Civil Court. This may be suitably modified so as to include the provisions of Rule 93 of the recent rules under which the written statement should be submitted for the approval of Government through the Secretary, Local & Legislative Departments.

Year

4496/P

10

J. R. S. III-2]

WD 2810—GPE—10,000—31-5-24

General and Revenue Secretariat

File No. 216 of 1924.

Serial No.

The recent rules may not perhaps apply to suits for recovery of arrears of rent due from tenants of private estates under Government management. Under existing orders Deputy Commissioners can sanction in such cases incidental expenditure up to Rs 50 and sanction of the Revenue Commissioner is necessary for expenditure up to a limit of Rs 100/- and of Government if the amount exceeds Rs 100/- Powers conferred under the above (Flag Z) may remain in force.

1599
21.8.24

1st Member

Paper

11/9

13.9

13-9

D.V. Smith
D.V.
14.9.24

18/9

Agd

20/9

28/20/9

NOTE—Contn. sheet.

155

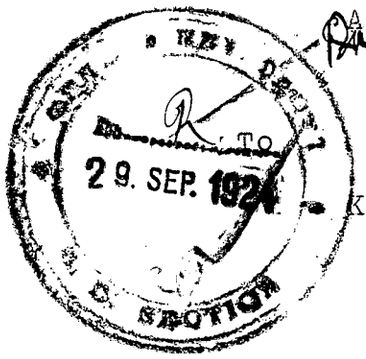
17460

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 27th September 1924

No. O.C. 682-24
27/9/24 e/one

From

A. V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Hassan District.



To

K. V. Anantharaman, Esq., B.A.,
Secretary to Government,
Revenue Department,
Bangalore.

S i r,

I have the honor to submit herewith ~~further~~ for the information of the Government copy of my letter No. OC682/24-25 of this date, in re: procedure for recovery of Institution fees in pauper suits.

I have the honor to be,
S i r,
Your most obedient servant,

Asst Comm 27/9
for Deputy Commissioner,
absent in HQ Dist.
Hassan District.

Submitted for perusal. Reference if any from the Govt & standing may be awaited
15-10-24

Received orders in this case and returned the file to the Deputy Commissioner, Hassan. This may be clubbed with the connected file
12.1.25

12-10

17/10

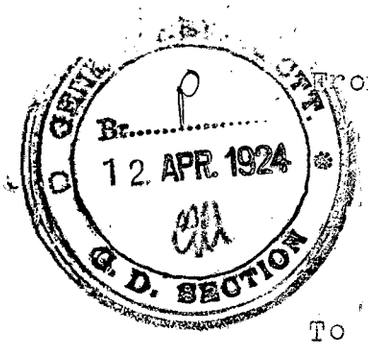
17-10

32199

12 4436 P

No.C.5
Ene One

Office of the Deputy Commissioner,
Hassan District,
Dated ~~Hassan,~~ the 10th April 1924.
Camp Ramanathpur



From

A.V. Ramanathan, Esq., B.A.,

Deputy Commissioner, Hassan District.

To

B. Nagappa, Esq., Bar-at-Law

Secretary to the Government of His Highness
the Maharaja of Mysore, Local and Legislative
Departments, B a n g a l o r e.

Sir,

I have the honor to submit for the information of Government copy of a letter addressed by me this day to the Revenue Commissioner in the matter of the future procedure regarding recovery of fees awarded in 'forma pauperis' suits, recovery of arrears due to villages under Government management, and defence of Land Acquisition Officer's awards before the District Judge.

I have the honor to be,

S i r,

Your most obedient servant,

Deputy Commissioner,

Hassan District.

Send with references. The case would have to be dealt with in the Law Dept of the Secretariat. Please send to the Legal Dept of that Dept.
17.4
17/4/24

No.C.4

Office of the Deputy Commissioner,
Hassan District,
Dated Camp Ramanathpur the 10th April 14

From:

A.V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Hassan District.

To

K. Chandy, Esq., B.A.,
Revenue Commissioner in Mysore,
Bangalore.

Sir

I have the honor to invite reference to Government Orders Nos. J.144-56/Cts.269-10-4 dated the 10th July 1911 and J.995-1005/Cts.67-11-2 dated the 19th September 1911 (Page 14 Land Revenue Manual) and to the revised Rules and instructions issued under the Land Acquisition Regulation empowering Deputy Commissioners (1) to institute suits for the recovery of fees awarded in forma pauperis suits and (2) of arrears due to Inam Villages under Government management in certain cases, and (3) to engage Public Prosecutor in defending Land Acquisition Officer's awards before the District Judge. These Government Orders and Rules are not specifically referred to and either continued or annulled in the " Rules for the conduct of the Legal Affairs of Government" published in Part III of the Mysore Gazette dated the 27th March 1924.

Rule 74 of these Rules lays down that "no suits on the part of Government can be instituted in the Civil Court agains any person without the sanction of the Government" and Rules 84 et seq contemplate that every suit in which the Govern-

ment

35922

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 16th May 1924.

No. 588-23
Enc: one

17

From

A. V. Ramanathan, Esq., B.A.,
Deputy Commissioner, Hassan District.

To

B. Nagappa, Esq., Bar-at-Law.,
Secretary to the Government of His Highness the
Maharaja of Mysore, Local & Legislative Departments,
B A N G A L O R E.

S i r,

I have the honor to forward herewith copy of letter No. 18 dated 10th May 1924 from the Deputy Commissioner. Mysore District, in the matter of engaging a pleader for taking steps for the recovery of Rs18/- from Srinivasaiya, minor, official guardian Mr.S. Subba Rao of Holenarsipur and to state that I have instructed the Amildar of Holenarsipur Taluk to engage the services of a local pleader for the recovery of Rs18/- due to Government

Kind reference is invited to my letter No. C. 4 dated 10th April 1924, soliciting instructions in the matter of future procedure regarding the recovery of fees awarded in 'forma pauperis' suits.

I have the honor to be,
S i r,
Your most obedient servant,

Treasury Assistant Commissioner,
For Deputy Commissioner,
Absent from Head Quarters,
Hassan District.

Office of the Deputy Commissioner,
Hassan District,
Dated Hassan, the 27th September 1924.

No. Oc.682-24 / 27/9/24

18

From

The Deputy Commissioner,

Hassan District.

To

The Commissioner of Stamps in Mysore,

Bangalore.

Sir,

I have the honor to address you in the matter of the procedure for recovery of institution fees awarded in pauper suits under Rules 10, 11 or 12 of Order XXXIII of the Code of Civil Procedure. These fees are declared by Rule 10 to be recoverable by the Government and being items of Government revenue falling under the Court Fees Regulations ought to be recoverable as if they were arrears of land revenue even as Sec. 26 of the Mysore Court Fees Regulation provides in respect of excess fees and penalties payable on applications for Probates and Letters of Administration. Instead of this, the amounts are recovered by execution proceedings in Civil Courts. Such a procedure is ~~anamolous~~ anomalous as it makes the crown a petitioner in its own courts for recovery of revenue. I request that Government may be moved to make such fees recoverable as an arrear of land revenue by fresh legislation if necessary.

2. Further at present a period of 3 years is considered the period of limitation for recovery of such fees, applying item 182 of Third Division of the First Schedule to the Limitation Regulation No. IV of 19??? to such cases. But in crown cases the period of limitation is 60 years under item 149 of the First Division of the same schedule, and that would appear to be the proper period. This may kindly be considered.

3. Even if item 149 is held not to apply, the period of limitation under item 182 itself can be extended to six years by merely registering every award of institution fee as soon as it is received from the civil court. I request that Government may be moved to

P T O.

Registration
to direct under the Mysore/Regulation that all awards sent by Deputy Commissioners shall be registered in the Registration offices concerned free of charge in the same manner as Acquisition awards, Revenue Sale Certificates Etc.

I have the honor to be,

S i r,

Your most obedient servant,

Sd/- A.V. Ramanathan,

Deputy Commissioner,

Hassan District.

" C O P Y "

Deputy Commissioner,

Hassan District.

20

G.R..S VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

)

the *192*

Date of issue 30/9/24

Signed by.....

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section Ets

File No. 216—24

Serial No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G. O. No. P. 4966-50 46/ bis 76-23-1 dated the 10/19th March 1924 laying down the procedure for the conduct of the legal affairs of Govt.

2. Letter No. C. S. dated the 10th April 1924 from the Deputy Commissioner Hassan DC. requesting instructions in the matter of the future procedure ~~Order Thereon No.~~ regarding the recovery of institution fees awarded in suits filed in forma pauperis, the recovery of arrears due to villages under Government ~~Villages~~ management.

KCN 26/9

and the defence of
wards of Land Settlement
officers before District Courts
3. Letter No C.3425/23.24
dated the 20th. May 1924
from the Revs. Govt.
on the subject.

Order ~~1691 + 1700~~

Govt. consider that
the instructions conveyed
in their order No R.11306-26/87.
11-20-4 dated the 11th. April 1911
for the recovery of institution
fees awarded in suits
in forma pauperis are
sufficient and may
continue to be observed by
the revenue officers regarding
the conduct of legal
affairs of Govt. With
a view however, to
enable Govt to keep
~~themselves informed of~~ watch
the progress of recovery
of amounts, quarterly
statements will be
submitted ~~to Govt~~ as
required by C.M. No
94-144/Law dated the
10th April 1924.

List of enclosures.

Copied by

Examined by

WD 1888—GPB—1,000,00—21-12-21

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

2. Rule 17 of the rules issued with G.O. No R. 632-924-L.R. S.R. 52-22-1 dated the 25th June 1924 prescribes the procedure to be adopted when the award of Land Acquisition Officer is referred to a third Court under section 18 of the Land Acquisition Act VII of 1894. This rule while dispensing with the sanction of Govt. for the defence of the suit and for engaging the services of the Public Prosecutor does not require the officer concerned to obtain the sanction of Govt. in the mis-

WD_2230—GPB—1,00,000—23-7-20

Statements. Court may
on application made for in
~~extinguishing~~ therein
mentioned. ~~it is desirable~~
written statements
should ordinarily be
submitted in time before
being filed in Court &
accordingly direct that
rule 13 as proposed be followed in future.
~~shewn~~ with the
modification that in all
cases the written State-
ments should be submitted
to Court for approval
through the Secretary to
the Department.

3. The rules of the 10th March
1914 as proposed to in the preamble
will not apply to suits
for recovery of arrears of rent
due from tenants of private
estates under Court Management.

In the Revenue
Department
~~Secretary~~
Secretary to Govt of Bombay

Letter No. 18/21-22 dated the 10th May 1924 from the Deputy Commissioner, Mysore District, to the Deputy Commissioner, Hassan Dist.

16

With reference to your memo No. P S 12/23 dated 10-4-24, I have the honor to request that necessary instructions may be issued to the Amildar, Holenarsipur taluk, to engage a Lawyer locally to take execution proceedings for the recovery of Rs18/- from Srinivasaiya minor official guardian Mr. S. Subba Rao, Pleader, defendant in O.S. No. 950/20-21 on the file of the Court of the Munsiff, Holenarsipur.

The vernacular records together with a copy of the decree in the said case are herewith enclosed.

" C O P Y "

For Deputy Commissioner,

mus. Hassan District.

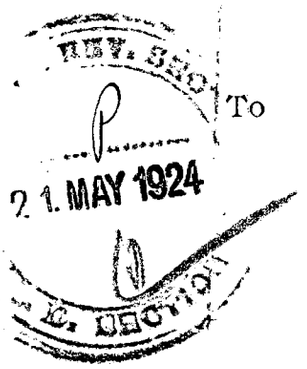
35980

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

C. No. 3425/23 - 24 *Bangalore,* 12th May 1924.

FROM

K. Chandy, Esq., B.A.,
Revenue Commissioner in Mysore.



To

The Secretary to the Government of
His Highness the Maharaja of Mysore,
Local & Legislative *Departments.*

SIR,

I have the honour to invite your kind reference to Government order No.P.4966-5046/Cts. 76-23-1 dated 10/19th March 1924 laying down the procedure for the conduct of the legal affairs of Government and to state that the original Government Order No.1932-85 dated 16th March 1904 prescribing the procedure that existed hitherto had been modified by Government orders Nos.J.144-56/Cts. 269-10-4 dated 10th July 1911 and J.993-1005/Cts.67-11-2 dated 19th September 1911 under which the Deputy Commissioners were themselves empowered to refer to the Public Prosecutors etc., cases of recovery of institution fees in suits admitted informa pauperis for conducting execution proceedings. The recent Government order refers only to the Government order of 1904 and not to the later Government Orders of 1911 referred to above, and hence it is not clear whether the procedure prescribed in the Government orders of 1911 has to be treated as superseded by the present Government order which requires that all such suits should be entrusted to the proper Law Officer by the Secretary to Government, Legislative Department.

2. I request the favour of instructions in the matter.

I have the honour to be,
S i r,
Your most obedient servant,

Assistant Commissioner,
For Revenue Commissioner,
Absent from the station.

BR.